

GLOTTY, J

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KRISP-PAK SALES CORP.,

Case No.: 08 CV 5322 (PAC)

Plaintiff,

-against-

AMENDED ORDER For Preliminary  
Injunction And Order  
Amending Caption.

ALEX PRODUCE CORP. and ALEX BONILLA a/k/a  
ALEJANDRO BONILLA,

Defendants.

The plaintiff having moved for a preliminary injunction pursuant to F.R.Civ.P. 65 and upon the filing of the Order to Show Cause dated June 11, 2008 based upon the Certification of June 9, 2008, with exhibits annexed thereto, the Certification of Leonard Kreinces, Esq., dated June 10, 2008, the accompanying Memorandum of Law, and Howard Rosenberg, Esq. of Kreinces & Rosenberg, P.C., attorneys for the plaintiff having appeared in support of the application of the motion and no one having appeared in opposition thereto and the attorneys for the plaintiff having further applied to this Court for revision of the Court's prior Order; it is hereby

ORDERED, that the motion for preliminary injunction is hereby granted and, it is further

ORDERED, that the application of the plaintiff for amendment of the caption of the above action is granted and the caption is hereby amended as hereinabove indicated; and it is further

ORDERED, that the Clerk of the Court is directed to amend the docket sheet of this action

MEMO ENDORSED (Pgs 2)

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*Plaintiff shall File a Amended Complaint  
reflecting the updated case caption after  
this Amended Order is entered.*

to reflect the change in the caption; and it is further

ORDERED, that the defendants, ALEX PRODUCE CORP. and ALEX BONILLA a/k/a ALEJANDRO BONILLA, are, during the pendency of this action, preliminarily enjoined and restrained from making or allowing any withdrawals from their bank accounts, from dispersing any funds, from selling or transferring any assets in their possession, custody or under their control, and from incurring any further debts or obligations to produce sellers or suppliers pending further Order of this Court; and it is further

ORDERED, that all proceeds from the collection of all monies due to the defendants, ALEX PRODUCE CORP. and ALEX BONILLA a/k/a ALEJANDRO BONILLA, and other debts owed to the defendants, and all proceeds from any sale or transfer of any assets of the defendants as may be approved by this Court, shall be placed into an interest-bearing attorney trust sub-account under the name of Kreinces & Rosenberg, P.C. and no distributions or withdrawals shall be made from such trust account without the written consent of plaintiff's counsel and a further Order of this Court, except as otherwise authorized herein. Defendants shall render a weekly accounting to plaintiff's counsel of all sums collected; and it is further

ORDERED, that defendants, ALEX PRODUCE CORP. and ALEX BONILLA a/k/a ALEJANDRO BONILLA, their agents, officers, assigns, banking institutions and attorneys and all persons in active concert and participation with him be and they hereby are:

(i) restrained from violating the provisions of the Perishable Agricultural Commodities Act 7 U.S.C. §499a et seq. (hereinafter "PACA") and the regulations promulgated thereunder; and

(ii) restrained from, in any way, directly or indirectly, in whole or in part,

absolutely or as security, paying, withdrawing, transferring, assigning or selling any and all existing PACA trust assets and/or otherwise disposing of company or personal assets to any creditors, persons or entities until further order of this Court or until the defendants pay the plaintiff the sum of \$19,183.20 plus interest, costs, and attorneys fees, and

(iii) ordered the defendants must account to this Court and counsel for the plaintiff for the following items generated in defendant's business, to wit: any and all perishable agricultural commodities, inventories of food or other products derived from such perishable agricultural commodities, and any and all receivables or proceeds from such commodities and food or other products, which in any way have been distributed or disposed of, directly or indirectly, in whole or in part, absolutely or as security on or after August 24, 2006 with a description of the property involved, the recipient, the date and the purpose of the distribution; and

(iv) ordered that the defendants must account to this Court and counsel for the plaintiff for all assets in defendant's ownership, possession, custody and/or control, or in the possession, custody and/or control of entities controlled by defendant, including the date of acquisition and whether or not such assets or any interest therein are derived from the proceeds of the sale of perishable agricultural commodities by defendants, ALEX PRODUCE CORP. and ALEX BONILLA a/k/a ALEJANDRO BONILLA, and, if not, the source of such assets; and

(v) ordered that the defendants must deliver to plaintiff's counsel complete list of all accounts receivable generated by his perishable agricultural commodities business and the name and address of its bank, and it is further

ORDERED, that this Order will be binding upon the parties to this action, their officers, agents, servants, employees, banks, or attorneys and all other persons or entities who receive actual

